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**Notification of Reasons for Refusal**

Patent Application No.

2001-096722

Drafting Date

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JPO Examiner

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Applied Provision

Patent Law, First sentence of  
Section 29, Section 29(2)

This application should be refused for the reasons mentioned below. If the applicant has any argument against the reasons, such argument should be submitted within 60 days from the date on which this notification was dispatched.

**Reasons**

Reason 1: The inventions in the claims listed below of the subject application are unpatentable since they do not satisfy the requirement defined in the first sentence of Section 29(1).

Reason 2: The inventions in the claims listed below of the subject application are unpatentable under the provision of Japanese Patent Law Section 29(2) since they could have been easily made by persons who have common knowledge in the technical field to which the invention pertains, on the basis of the inventions described in the publications listed below which were distributed or inventions made available to the public through telecommunication lines in Japan or other countries prior to the filing of the subject application.

Note (The list of Cited Documents etc. is shown below)

A. Reason 1

(1) The description "[a] computer program executable in a game machine in which a game is executable in accordance with a game program, said computer program including a display control program string..., and a program string, wherein said display control program string controls..." in Claim 7 of the subject application is a simple description of display-related software processing, and does not mean that "reading of software into a computer causes a specific means in which software and hardware resources cooperatively operate to realize arithmetic operations or processing on information in accordance with a purpose of use, whereby an information processing apparatus (machine) particularly suitable for the purpose of use or an operation method therefor is created". Thus, the above description is not regarded as the meaning "information processing is specifically realized by using hardware resources". The invention in Claim 7 is unpatentable because it is not an "invention" in Japanese Patent Law, and does not satisfy the requirement defined in the first sentence of Section 29(1). (See Examination Guidelines, Part VII, Examination Guideline for Specific Technical Fields, Chapter 1, Computer-Software-Related Inventions)

(2) Claims 8 and 9 as defined in Claim 7 in the subject application are also unpatentable for the same reason as the Reason 1(1) because they do not satisfy the requirement defined in the first sentence of Section 29(1).

(3) The description "[a] computer-readable recording medium readable by a game machine for playing a game in accordance with a game program, wherein a program string which..., and a display-control-program string which can ... and which controls ... when being unable to..." in Claim 10 in the subject application includes a feature concerning a "display device" as a hardware resource. However, the above description is simply directed to display-related software

processing, and does not mean that "reading of software into a computer causes a specific means in which software and hardware resources cooperatively operate to realize arithmetic operations or processing on information in accordance with a purpose of use, whereby an information processing apparatus (machine) particularly suitable for the purpose of use or an operation method therefor is created". Accordingly, the above description is not regarded as the meaning "information processing is specifically realized by using hardware resources". The invention in Claim 10 is unpatentable because it is not an "invention" in Japanese Patent Law, and does not satisfy the requirement defined in the first sentence of Section 29. (See Examination Guidelines, Part VII, Examination Guideline for Specific Technical Fields, Chapter 1, Computer-Software-Related Inventions)

(4) Claims 11 and 12 as defined in Claim 10 in the subject application are also unpatentable for the same reason as the Reason 1(3) because they do not satisfy the requirement defined in the first sentence of Section 29(1).

B. Reason 2

1. Cited document

The following cited document, which is a publication distributed in Japan before the subject Patent Application was filed, describes the following points:

(1) Cited document 1: Japanese Unexamined Patent Application Publication No. 7-8632

A game machine capable of playing a game in accordance with a game program (paragraph [0034]), comprising: display control means (game-space calculating unit 100 and picture composing unit 200) capable of displaying the position in a game field of a manipulated character (future tank 20) moving in the game field (game field 60) and a predetermined range around the manipulated game character; and recognition

means (future tank 20 in display region 2: particularly in Fig. 20) which recognizes a goal for the manipulated character which is set in the game field in connection with the progress of the game, and the position of the manipulated character in the game field, wherein, when the goal for the manipulated character cannot be displayed on the display screen (display region 2) of the display device, in response to the result of recognition by said recognition means, said display control means displays an indication marker (marker 30) indicating the direction of the goal in the vicinity of an end of the display screen in the direction of the goal viewed from the manipulated character ("when enemy future tank 22 leaves display region 22 outward, marker 30 is displayed in position M corresponding to a direction in a peripheral portion of the screen in which enemy future tank 22 exists", particularly in paragraph [0104]).

## 2. Comparisons

(1) A comparison between the invention in Claim 1 in the subject application and the invention in Cited document 1 indicates that the invention in Claim 1 in the subject application could have been easily conceived by persons skilled in the art based on the invention in Cited document 1 since the invention in Cited document 1 also includes the description "Marker 30 is displayed in point M that is a position in which the enemy is out of sight. Accordingly, the player, who follows a movement of future tank 22, does not need to move his or her line of vision to, for example, the position of enemy-position detecting radar 50 in order to reconfirm the position of the enemy. This enables the player to consecutively chase and attack future tank 22 without changing the direction of the line of vision" (paragraph [0104]).

(2) A comparison between the invention in Claim 2 in the subject application and the invention in Cited document 1 indicates that also the invention in Claim 2 in the subject application could have been easily conceived by persons skilled in the art based on the invention in Cited document 1 since, although the invention in Cited document 1 does not periodically change the display brightness of the indication marker (marker 30) when the goal for the manipulated character (enemy future tank 22) cannot be displayed on the display screen (display region 2) of the display device, it is mentioned that the display brightness of the indication marker (marker 30) is periodically changed (blinked) (paragraphs [0101] and [0102]), and such blinking of the indication marker (marker 30) has been conventionally known.

(3) A comparison between the invention in Claim 3 in the subject application and the invention in Cited document 1 indicates that also the invention in Claim 3 in the subject application could have been easily conceived by persons skilled in the art based on the invention in Cited document 1 since, in the invention in Cited document 1, particularly in Fig. 20, (a) and (b), it may be said that the display control means displays the position in the game field of the manipulated character and the predetermined range around the manipulated character in at least part of the game screen.

(4) Comparisons between the inventions in Claims 4 to 6 in the subject application and the invention in Cited document 1 indicate that the inventions in Claims 4 to 6 could have been easily conceived by persons skilled in the art for reasons as in the above sections 2(1) to 2(3) since the inventions in Claims 4 to 6 are respectively formed by simply changing the categories of the inventions in Claims 1 to 3.

(5) Comparisons between the inventions in Claims 7 to 9 in the subject application and the invention in Cited document 1 indicate that the inventions in Claims 7 to 9 could have been easily conceived by persons skilled in the art for reasons as in the above sections 2(1) to 2(3) since the inventions in Claims 7 to 9 are respectively formed by simply changing the categories of the inventions in Claims 1 to 3.

(6) Comparisons between the inventions in Claims 10 to 12 in the subject application and the invention in Cited document 1 indicate that the inventions in Claims 10 to 12 could have been easily conceived by persons skilled in the art for reasons as in the above sections 2(1) to 2(3) since the inventions in Claims 10 to 12 are respectively formed by simply changing the categories of the inventions in Claims 1 to 3.

Therefore, the inventions in Claims 1 to 12 could have been easily conceived by persons skilled in the art based on the invention in Cited document 1, and are accordingly unpatentable under the provision of Japanese Patent Law, Section 29(2).

For the claims other than the Claims specified in this Notification of Reasons for Refusal, no reason for refusal is found at present. If any reason(s) for refusal is found later, it will be advised.

List of Cited Documents etc.

1. Cited document 1: Japanese Unexamined Patent Application Publication No. 7-8632

Where to call concerning this Notification of Reasons for

Refusal:

First Patent Examination Department, Electronic Games

Tel: 03-3581-1101 Ext. 3266

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Record of the results of prior art search

·Fields searched           IPC 7th Edition, A63F13/00

·Prior art documents

This record is not a part of the reason for refusal.